

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

STATE HOUSE • BOSTON 02133

(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

April 15, 2008

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill recommending Fiscal Year 2008 supplemental appropriations totaling \$267.6 million for immediate needs across the Commonwealth.

The supplemental items to fund existing obligations include:

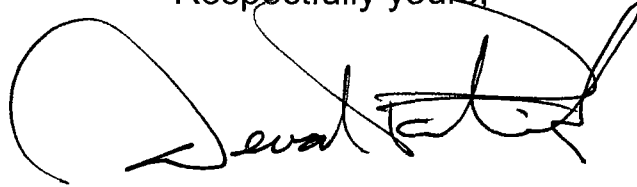
- \$153.1 million for Commonwealth Care to support a portion of the projected increase in the Commonwealth's health care reform program;
- \$25.5 million to address the increasing welfare caseloads at DTA and EEC;
- \$17.6 million for Committee for Public Counsel Services; and
- \$13.1 million for Snow and Ice removal.

This bill includes language reinstating the long-standing Registry of Deeds practice of assessing a separate fee for each multiple reference that the Register determines must be separately indexed in the Registry records. This practice was rejected in a recent Appeals Court decision, *Patriot Resort Corporation v. Registry of Deeds*. The language in this bill clarifying this issue reflects the Legislature's often expressed intent that fees be commensurate with the work and time involved in rendering a service. It protects the Commonwealth's financial resources from the possible negative impact the Appeals Court decision could have.

In addition, this bill allows the Commissioner of Capital Asset Management and Maintenance to implement competitively procured owner controlled insurance programs on construction projects of over \$50,000,000; removes inconsistencies and ambiguities in the inspections and emissions program; requires the Trial Court to submit its collective bargaining agreements to the Governor; and allows the Division of Health Professions Licensure to deposit all of its increased license fees in the Quality in Health Professions Trust Fund.

Sufficient revenues are estimated to be available to finance these appropriations. I urge your prompt and favorable consideration of this bill.

Respectfully yours,

A handwritten signature in black ink, appearing to read "David F. L.", with a large, stylized flourish on the left side.



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND EIGHT

AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2008 TO PROVIDE FOR SUPPLEMENTING CERTAIN EXISTING APPROPRIATIONS AND FOR CERTAIN OTHER ACTIVITIES AND PROJECTS.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2008 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2008, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

JUDICIARY

Committee for Public Counsel Services

0321-1510	\$12,064,277
0321-1520	\$5,615,420

SHERIFFS

Essex Sheriff's Department

8910-0619 \$3,500,000

OFFICE OF THE STATE COMPTROLLER

Office of the State Comptroller

1599-3384 \$1,270,138

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Human Resources Division

1750-0119 \$55,000

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation

2820-2000 \$693,776

2820-9005 \$321,988

DEPARTMENT OF EARLY EDUCATION AND CARE

Department of Early Education and Care

3000-4050 \$13,017,346

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4590-0915 \$1,851,551

Department of Transitional Assistance

4403-2000 \$12,442,902

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Highway Department

6010-0002 \$1,404,311

6030-7201 \$10,988,951

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0007 \$1,966,818

Department of Correction

8900-0010 \$472,500

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SHERIFFS

Franklin Sheriff's Department

8910-0188 The Franklin sheriff's department may expend for the operation of the department an amount not to exceed \$2,345,000 from revenues received from federal inmate reimbursements; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system..... \$1,045,000

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4513-1012 The department of public health may expend for the purpose of increasing the caseload of the Women, Infants, and Children's Nutrition Program an

amount not to exceed \$23,555,500 in revenues received from federal cost-containment initiatives, including, but not limited to, infant formula rebates; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system..... \$1,555,500

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2008, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2008. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Massachusetts Commission for the Deaf and Hard of Hearing

4125-0122 \$25,000

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Highway Department

6030-7501 \$500,000

Commission on the Status of Women Reporting Deadline Change

SECTION 3. Section 66 of chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 47, the word "June" and inserting in place thereof the following word:- October.

Medicolegal Investigation Commission

SECTION 4. Section 184 of chapter 6 of the General Laws, as so appearing, is hereby amended by striking out, in lines 9 to 10, the words "and who are members of the Massachusetts Society of Pathologists and who reside in the commonwealth".

Quality in Health Professions Trust Fund -1

SECTION 5. Section 35X of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 22 to 24, the words "and that total not more than 20 percent of the department's expenditures related to health board licensing for the previous fiscal year".

Quality in Health Professions Trust Fund -2

SECTION 6. Said section 35X of said chapter 10, as so appearing, is hereby further amended by adding the following subsection:-

(d) Notwithstanding any general or special law to the contrary, all of any new fee and any increase in the fee in effect after the fee increases authorized under subsection (c) for obtaining or renewing a license, certificate, registration, permit or authority issued by a board within the department of public health, excluding the board of registration in medicine, adopted by the secretary of administration and finance, following a public hearing, shall be deposited in the Quality in Health Professions Trust Fund.

Motor Vehicle Emissions Inspection and Maintenance Program-1

SECTION 7. Section 61 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words "from that portion of the fee owed to" and inserting in place thereof the following word:- by.

Motor Vehicle Emissions Inspection And Maintenance Program-2

SECTION 8. Section 61 of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the figure "2009" and inserting in place thereof the following figure:- 2010.

Removal of age limit upon hiring for district engineering inspectors

SECTION 9. Section 6 of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out, in lines 5 to 7, the words "shall not be over forty-five years of age when first appointed, and shall not be subject to any civil service rules".

State Use of OCIPs

SECTION 10. Chapter 30 of the General Laws is hereby amended by inserting after section 39S the following section:-

Section 39T. Notwithstanding section 8 of chapter 268A, the commissioner of capital asset management and maintenance may implement competitively procured owner controlled insurance programs and may permit construction managers on construction manager at risk projects to use contractor controlled insurance programs, on projects having estimated construction costs equal to or greater than \$50,000,000.

Registry of Deeds Filing Fees Clarification-1

SECTION 11. Section 8 of chapter 44B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is recorded, shall be subject to a surcharge of \$20, but if the paper includes multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$20 surcharge. The fees for recording a municipal lien certificate shall be subject to a surcharge of \$10, but if the instrument includes

multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$10 surcharge. The surcharges shall be imposed for purposes of community preservation. No surcharge shall apply to a declaration of homestead under chapter 188. No surcharge shall apply to the fees charged for additional pages, photostatic copies, abstract cards or additional square feet for the recording of plans.

Safe Cigarette Act

SECTION 12. Section 2A of chapter 64C of the General Laws, as so appearing, is hereby amended by inserting after the word "safety", in line 13, the following words:- and security, or his designee, who may be an officer or employee of the department of fire services.

Motor Vehicle Emissions Inspection And Maintenance Program-3

SECTION 13. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the word "exhaust", in line 17, the following words:- , or a device which analyzes a motor vehicle's computer system relating to emissions.

Motor Vehicle Emissions Inspection And Maintenance Program-4

SECTION 14. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words "including, but not " and inserting in place thereof the following words:- which may include, but not be.

Motor Vehicle Emissions Inspection And Maintenance Program-5

SECTION 15. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 134, the word "shall" and inserting in place thereof the following word:- may.

Motor Vehicle Emissions Inspection And Maintenance Program-6

SECTION 16. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 174, the words "a private entity" and inserting in place thereof the following words:- 1 or more private entities.

Motor Vehicle Emissions Inspection And Maintenance Program-7

SECTION 17. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 229, the words "and (iv)" and inserting in place thereof the following words:- (iv) any motor vehicle that United States Environmental Protection Agency or California Air Resources Board new vehicle certification requirements do not require to be equipped with an onboard diagnostic system, as determined by the commissioner; and (v).

Judicial CBA -1

SECTION 18. The first sentence of subsection (b) of section 7 of chapter 150E of the General Laws, as amended by section 8 of chapter 42 of the acts of 2007, is hereby further amended by inserting after the word "Massachusetts" the following words:- , the chief justice for administration and management of the trial court.

Judicial CBA -2

SECTION 19. The first paragraph of subsection (c) of said section 7 of said chapter 150E, as so amended, is hereby further amended by inserting after the word "Massachusetts" the following words:- , the chief justice for administration and management of the trial court.

Registry of Deeds Filing Fees Clarification- 2

SECTION 20. Chapter 262 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out section 38 and inserting in place thereof the following section:-

Section 38. The fees of the registers of deeds, except as otherwise provided, to be paid when an instrument is recorded shall be as follows:

For entering and recording any paper, certifying the same on the original, and indexing it and all other duties pertaining thereto, \$50, but if the paper includes multiple references to any document or instrument intending or attempting to assign, discharge, release, partially release, subordinate or notice any other document or instrument, each reference shall be separately indexed and separately assessed an additional \$50 fee;

For recording a declaration of trust, \$200;

For recording a deed or conveyance, \$100;
For recording a mortgage, \$150;
For recording a declaration of homestead, \$30;
For recording and filing a plan, \$50 per sheet; and
For all copies of documents, whether copied out of books or generated electronically, \$1 per page, and all coin operated copy machines shall be \$.50 per page.

The fees of the registers of deeds, except as otherwise provided, to be paid when the instrument is recorded shall be subject to a surcharge under section 8 of chapter 44B.

Food Stamp Transitional Benefits Assistance

SECTION 21. Item 4403-2000 of section 2 of chapter 61 of the acts of 2007 is hereby amended by adding the following words:- ; provided further, that the department may provide state-funded transitional benefits alternative payments to those recipients ineligible for those payments through the federal food stamp program because assistance under this item was paid by a solely state-funded program; and provided further, that the department may reimburse the United States Department of Agriculture for these transitional benefit alternative payments made in fiscal year 2007 and fiscal year 2008.

Transfer to the State Retiree Benefits Trust Fund

SECTION 22. Section 52 of chapter 61 of the acts of 2007 is hereby amended by striking out the figure "\$343,242,800" and inserting in place thereof the following figure: - \$354,742,800.

Transfer to the Commonwealth Care Trust Fund

SECTION 23. Section 55 of chapter 61 of the acts of 2007 is hereby amended by striking out the figure "\$789,650,000" and inserting in place thereof the following figure - \$976,954,249 and by striking out the figure "\$33,900,000" and inserting in place thereof the following figure: - \$49,600,000.

Interim Management of the State Retiree Benefits Trust Fund

SECTION 24. Notwithstanding any general or special law to the contrary, in order to minimize investment fees and maximize returns through continuity of investment management of

the State Retiree Benefits Trust Fund, established by paragraph (a) of section 24 of chapter 32A of the General Laws, as inserted by section 8 of chapter 61 of the acts of 2007, while the general court considers the recommendations of the commission established by section 82 of said chapter 61, investments of the trust shall be held and managed by the Health Care Security Trust board of trustees, established by section 4 of chapter 29D of the General Laws, until legislation is enacted confirming management of the State Retiree Benefits Trust Fund. The executive director of the group insurance commission, who is a member of the trustees of the State Retiree Benefits Trust Fund, shall continue in that capacity in an advisory role to the Health Care Security Trust trustees as to cash flow needs of the State Retiree Benefits Trust Fund and shall pay benefits as needed from that fund. The comptroller shall work with the executive director to implement this section.

MassHealth Transferability

SECTION 25. Notwithstanding any general or special law to the contrary, the secretary of health and human services may authorize transfers from items 4000-0430, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0891, 4000-0895, 4000-0990, 4000-1400 and 4000-1405 of section 2 of chapter 61 of the acts of 2007 to items 4000-0500 or 4000-1420 of said section 2 for the purpose of reducing any deficiency in items 4000-0500 or 4000-1420, but any such transfer shall take place not later than August 31, 2008.

Registry of Deeds Filing Fees Clarification-3

SECTION 26. Sections 11 and 20 shall take effect as of March 5, 2003.

Judicial CBA -3

SECTION 27. Sections 18 and 19 shall apply to collective bargaining agreements executed by the parties after January 1, 2008.